

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

MARCELL ARTURO PEREZ,

Defendant(s).

Case No.2:21-CR-52 JCM (DJA)

ORDER

Presently before the court is defendant Marcell Arturo Perez-Aranda (“defendant”)’s motion for a sentence reduction. (ECF No. 94). The government did not file a response to defendant’s motion.

Defendant is one of three individuals charged with multiple counts of distribution of a controlled substance. (*See generally* ECF No. 1). He now moves for a sentence reduction pursuant to Amendment 821 of the United States Sentencing Guidelines, which reduces the total offense level for zero-point offenders. Defendant filed the motion *pro se*.

Counsel for defendant has filed a notice of non-eligibility. (ECF No. 97). The notice provides that defendant’s total offense level was 29, corresponding to a sentencing guideline range of 87-108 months. (*Id.* at 1-2). Defendant was sentenced to fifty-seven months in custody.


Counsel further provides that the amended guideline range of 70-87 months, which corresponds to a total offense level of 27, is still higher than what he received at sentencing. (*Id.* at 2). Therefore, under Part B of Amendment 821, defendant is ineligible for a sentence reduction. Counsel specifically states, “[t]here is no colorable argument for a sentence reduction as it relates

1 to Amendment 821.” (*Id.*). Defendant’s counsel has informed the court in its motion that
2 defendant is now aware that he does not qualify for a sentence reduction. (*Id.*).
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4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant Marcell Arturo
6 Perez-Aranda’s motion for a sentence reduction (ECF No. 94) be, and the same hereby is,
7 DENIED.

8 DATED May 31, 2024.
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12 UNITED STATES DISTRICT JUDGE
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